

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: September 21, 2005

Division: Monroe County Housing Authority

Bulk Item: Yes XX No

Department: Special Programs Office

Staff Contact Person: Gilda Boza

AGENDA ITEM WORDING: A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA APPROVING AMENDMENT 3 TO THE AWARDED COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT AGREEMENT

ITEM BACKGROUND: On March 19, 2003, the BOCC granted approval of accepting the 2002 CDBG Agreement offered by DCA; reallocate all of the housing rehabilitation funds (\$150,000) moving these funds for additional wastewater connections; and designate the expanded Stock Island Service Area as the initial service area for CDBG assistance – Contract Agreement # 03DB-1A-11-54-01-H32. October 15, 2003, the BOCC approved the reallocation of funds. February 18, 2004, the BOCC approved Amendment #1 to the Contract Agreement, and on June 16, 2004, the BOCC ratified the DCA executed Amendment to the Contract Agreement. On February 16, 2005, the BOCC granted approval of Amendment #2 to the Contract Agreement to implement a six-month extension to expend the grant funding revising the Agreement to reflect an expiration date of October 8, 2005. The initial service area of Stock Island has been delayed in connecting to the wastewater system. Bay Point and Conch Key has 37 eligible applicants with 20 homeowners presently under contract. Key Largo has 82 eligible applicants with a projected connection date of January 2006. The amendment is for a six-month extension to expend the grant funding and meet Contract Agreement requirements.

PREVIOUS RELEVANT BOCC ACTION: Resolution 213-2003, Adopting DCA executed CDBG Contract Agreement for the 2002 cycle (03DB-1A-11-54-01-H32); Resolution 467-2003, approved amending the reallocation of funds; Resolution 088-2004, approved Amendment #1; and, Resolution 220-2004 ratified executed document; Resolution 071-2005 approved Amendment #2 revising expiration date for the Agreement to October 8, 2005.

CONTRACT/AGREEMENT CHANGES: six-month extension and revise Work Activity Plans.

STAFF RECOMMENDATIONS: Adoption of this resolution to amend the CDBG Contract Agreement 03DB-1A-11-54-01-H32 with DCA.

TOTAL COST: \$0.00

BUDGETED: Yes X No

COST TO COUNTY: \$0.00

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes No X **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty. JMG OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

J. Manuel Castillo, Sr., Executive Director, MCHA

DOCUMENTATION: Included XX Not Required

DISPOSITION:

AGENDA ITEM #

RESOLUTION NO. _____ - 2005

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF MONROE COUNTY, FLORIDA
TO APPROVE AMENDING THE AWARDED COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG), CONTRACT AGREEMENT**

WHEREAS, on March 19, 2003, the BOCC granted approval of accepting the 2002 Community Development Block Grant (CDBG) Agreement offered by DCA, and

WHEREAS, also during the March 19, 2003, BOCC meeting, the Commission approved the reallocating of the CDBG Housing Rehabilitation Work Activity funding in the amount of \$150,000 to the CDBG Sewer Hookup Work Activity funding, and

WHEREAS, DCA executed the Contract Agreement # 03DB-1A-11-54-01-H32, for \$750,000 on April 9, 2003, and

WHEREAS, on February 18, 2004, the BOCC approved Amendment #1 to the Contract Agreement reflecting this reallocation; and

WHEREAS, on February 16, 2005, the BOCC approved Amendment #2 to the Contract Agreement for a six-month extension revising the expiration date of the Agreement to October 8, 2005, and

WHEREAS, the Contract Agreement expires on October 8, 2005, an amendment is required for a six-month extension to expend the grant funding and complete Contract Agreement requirements.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, MONROE COUNTY,
THAT:**

Section 1: The above recitals are true and correct and incorporated herein.

Section 2: Amendment #3 to the Grant Agreement to implement a six-month extension to expend funding, a copy of which is attached as Attachment "A", together with such non-material changes as may be acceptable to the County Mayor and approved as to form and legality by the County Attorney, is approved and signed by the Mayor. Except as amended by Amendment #3, no term or condition of the Small Cities, Housing, Community Development Block Grant shall be modified and the same shall remain in full force and effect.

Section 3: This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED, this _____ day of _____, 2005

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

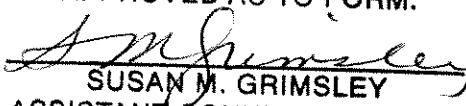
Mayor Spehar _____
Mayor Pro Tem McCoy _____
Commissioner Nelson _____
Commissioner Neugent _____
Commissioner Rice _____

By: _____
Mayor Dixie Spehar

SEAL

ATTEST: DANNY L. KOLHAGE
CLERK

OY: _____
Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

SUSAN M. GRIMSLEY
ASSISTANT COUNTY ATTORNEY

**MODIFICATION # 3 TO GRANT AGREEMENT BETWEEN
THE DEPARTMENT OF COMMUNITY AFFAIRS AND
THE COUNTY OF MONROE**

This Modification is made and entered into by and between the State of Florida, Department of Community Affairs, ("the Department"), and the County of Monroe, ("Recipient"), to modify DCA Contract Number 03DB-1A-11-54-01-H32 ("the Agreement").

WHEREAS, the Department and the Recipient have entered into the Agreement, pursuant to which the Department provided a subgrant of \$750,000.00 to Recipient under the Small Cities Community Development Block Grant ("CDBG") Program; and

WHEREAS, the Agreement has expired, and the Recipient has requested that the contract be reinstated and the contract period extended; and

WHEREAS, the Department and the Recipient desire to modify the Agreement by modifying the Attachment B, Activity Work Plan section thereunder.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. The Agreement is hereby reinstated as though it had not expired.
2. Paragraph 3, Period of Agreement is hereby revised to reflect an expiration date for the Agreement of April 8, 2006.
3. The Attachment B, Activity Work Plan section of the Agreement is hereby deleted and is replaced by the revised Attachment B, Activity Work Plan section, which is attached hereto and incorporated herein by reference.
4. All provisions of the Agreement and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform to this Modification, effective as of the date of the last execution of this Modification by both parties.
5. Provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this document as of the dates set out herein.

DEPARTMENT OF COMMUNITY AFFAIRS

Recipient: _____

By: _____
Name: Janice Browning, Division Director
Housing and Community Development
Date: _____

By: _____
Name: Dixie Spehar
Title: Mayor, County of Monroe
Date: _____

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:


SUSAN M. GRIMSLEY
ASSISTANT COUNTY ATTORNEY

ACTIVITY WORK PLAN

RECIPIENT MONROE COUNTYDATE PREPARED August 31, 2005 (Revised)CONTRACT NO. 03DB-1A-11-54-01-H32ACTIVITY BUDGET \$112,500
(for this activity only)

Activity		Number of Proposed Beneficiaries for this activity only			Proposed Activity Units	
Name <u>Administration</u> Number <u>013</u> Service Area # <u>N/A</u>		LMI	VLI	Total	<u>100</u> No. of Units	Housing Units H.U. Type of Units
Date Start (month & year)	Date End (month & year)	Describe Proposed Action to be Undertaken or Contract Special Condition Clearance Documentation to be Submitted by "Date End"			# Units to be Completed by "Date End"	Proposed \$\$ to be Requested by "Date End"
		Submit Request for Release of Funds & Environmental Conditions				
		Submit documentation to clear Special Condition Numbers <u>All</u>				
05/03	06/03	Administrative Quarterly Reimbursements				\$5,000.00
07/03	09/03	Administrative Quarterly Reimbursements				\$3,381.00
10/03	12/03	Administrative Quarterly Reimbursements				\$7,732.00
01/04	03/04	Administrative Quarterly Reimbursements				\$5,932.00
04/04	06/04	Administrative Quarterly Reimbursements				\$8,749.00
07/04	09/04	Administrative Quarterly Reimbursements				\$5,974.00
10/04	12/04	Administrative Quarterly Reimbursements				\$15,400.00
01/05	03/05	Administrative Quarterly Reimbursements				\$15,400.00
04/05	10/05	Administrative Quarterly Reimbursements				\$15,400.00
11/05	01/06	Administrative Quarterly Reimbursements				\$15,400.00
01/06	04/06	Administrative Quarterly Reimbursements				\$14,132.00
04/06	04/06	Submit Administrative Closeout				

ACTIVITY BUDGET TOTAL \$ 112,500
(must equal Activity Budget in the heading of this form)

ACTIVITY WORK PLAN

RECIPIENT **MONROE COUNTY**

DATE PREPARED **August 31, 2005 (Revised)**

CONTRACT NO. **03DB-1A-11-54-01-H32**

ACTIVITY BUDGET **\$637,500**
(for this activity only)

Activity		Number of Proposed Beneficiaries for this activity only			Proposed Activity Units	
Name <u>Sewer Connections</u> Number <u>09(a)</u> Service Area # <u>N/A</u>		<u>50</u> LMI	<u>50</u> VLI	<u>100</u> Total	<u>100</u> No. of Units	<u>H.U.</u> Type of Units
Date Start (month & year)	Date End (month & year)	Describe Proposed Action to be Undertaken or Contract Special Condition Clearance Documentation to be Submitted by "Date End"			# Units to be Completed by "Date End"	Proposed \$\$ to be Requested by "Date End"
		Submit Request for Release of Funds & Environmental Conditions				
		Submit documentation to clear Special Condition Numbers <u>ALL</u>				
07/03	09/03	Sewer Connections (0%)			0	
10/03	12/03	Sewer Connections (0%)			0	
01/04	03/04	Sewer Connections (0%)			0	
04/04	06/04	Sewer Connections (0%)			0	
07/04	09/04	Sewer Connections (0%)			0	
10/04	12/04	Sewer Connections (0%)			0	
01/05	03/05	Sewer Connections (20%)			20	\$127,500.00
04/05	10/05	Sewer Connections (50%)			50	\$191,250.00
11/05	01/06	Sewer Connections (80%)			80	\$191,250.00
02/06	04/06	Sewer Connections (100%)			100	\$127,500.00
04/06	04/06	Submit Administrative Closeout				

ACTIVITY BUDGET TOTAL **\$ 637,500**
(must equal Activity Budget in the heading of this form)

Narrative For Amendment #3:

This is the third amendment for this grant under Contract Agreement 03DB-1A-11-54-01-H32.

The first amendment, the Board Of County Commissioners (BOCC) approved the reallocating of all the housing rehabilitation funds (\$150,000) by moving these funds to the CDBG Work Activity of Sewer Connections. With this reallocation, the amount for the CDBG Work Activity of Sewer Connections increased from \$487,500 to \$637,500. The Commission also approved that the expanded Stock Island Service Area be designated as the initial service area for this CDBG sewer connection assistance.

The second amendment, the Board of County Commissioners (BOCC) approved to implement a six-month extension of time to reflect an expiration date of October 8, 2005 in order to complete the sewer connection work activity for this CDBG Program.

This will be the third amendment for this grant under contract Agreement #03DB-1A-11-54-01-H32. The following is a summary of the activities that are currently being undertaken through this grant.

As stated in the previous Modification #2, the first service area designated for the County was the Stock Island wastewater project with 102 eligible applicants as of a year ago. At the time of the CDBG Contract Agreement, this was the first wastewater project available to the program. The County awarded a contract to the Key West Resort Utility (KWRU) for this service. This area was already being serviced by the KWRU and was a logical expansion of their existing wastewater treatment facility. The work was completed ahead of schedule and the homes were notified to connect to the wastewater system. However, wastewater construction concerns remain for the Stock Island community and only two (2) proposals have been received, contracted and work completed.

There are three (3) other areas of this wastewater project in Monroe County, which are Bay Point, Conch Key and Key Largo. Award letters had been sent out in February 2005 to 26 eligible applicants in Bay Point and 11 eligible applicants in Conch Key. On June 22, 2005, the Florida Keys Aqueduct Authority (FKAA) who is the wastewater utility serving the Bay Point and Conch Key areas, confirmed by letter to the Special Programs Office (SPO) that the Bay Point area would be able to begin to connect approximately in mid July of 2005 and Conch Key anticipated customer connections in late August 2005. SPO immediately sent contact letters to the Bay Point and Conch Key eligible applicants advising them of the connection schedule along with an overview of the funding procedures that would assist the eligible applicants and ensure that

the funding process ran smoothly. Currently there are 20 applicants that SPO has received proposals and approved contracts for work. Contract amounts for these two areas amount to \$56,380.00.

Also, on July 25, 2005, the Key Largo Wastewater Treatment District (KLWTD) confirmed in writing that the Key Largo Trailer Village homeowners were ready for Phase 1 of the connection plan which is the installment of the homeowners lateral from the District lateral at the homeowner's property line to the point of connection to their existing wastewater system. KLWTD also confirmed that Phase 2 of the connection plan, which is the final connection of the homeowners laterals installed in Phase 1, would begin in January of 2006. Award letters were sent to 67 eligible applicants on July 27, 2005 in the Key Largo targeted area.

Currently, in all four areas, there are approximately 27 eligible applicants who have signed contracts, with work in progress. The dollar value for these contacts is approximately \$74,000. In expectations of a large number of eligible applicants contracting, initiating and completing work, especially in the Key Largo area, an Escrow account has been set up to facilitate payment.

In preparation for this amendment, time was given to enable the County to request an extension within the allotted time period of 45 days prior to the expiration date. This did not occur because traditionally in July and August, people take vacations and there was a mandatory evacuation called for the Keys for a hurricane, which delayed everything. Unfortunately, the CATF board was unable to provide a quorum during the last couple of months. This in turn delayed the presentation to the Board of County Commissioners for approval through resolution.

A CATF meeting, open to the public, was held on Wednesday, August 31, 2005, and the recommended amendment was reviewed and discussed. The CATF recommended approval and to provide the amendment to the BOCC for approval. This resolution is part of this amendment application.

In conclusion, it is recognized that the sewer connection activity is extremely important to the County of Monroe. The Board of County Commissioners is actively working with DCA to meet wastewater improvement requirements for the Florida Keys before 2010. The CDBG Contract Agreement expires October 8, 2005. The 6-month extension will provide the necessary time to complete the majority of the sewer connection assistance programs for the County and, will greatly assist in reducing the economical adverse affects on the low and very low-income eligible recipients.